IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5504 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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DHULABHAI BECHARBHAI PATEL & 2 - Petitioner(s)
Versus
NEW MANEKCHOWK MILLS - Respondent(s)

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Appearance :
MR MAHENDRA K PATEL for Petitioner(s) : 1 - 3.MR NISHUKUMAR PATEL for Petitioner(s) : 1 - 3.
NANAVATI & NANAVATI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 28/03/2007

ORAL JUDGMENT :

1. Petitioners have invoked Articles 226 and 227 of the Constitution for challenging the order dated 24.5.2001 of the Labour Court in Recovery

Application No.3413 of 1989 whereby the recovery application filed by the petitioners was partly allowed. It is claimed and prayed in the petition that the petitioners may be declared to be entitled to additional amount of unemployment allowance.

2. It appears from the record and perusal of the impugned order that the petitioners had submitted their resignation through their representative union and they were paid legal dues in accordance with the terms of the agreement entered into between the employer and the representative union.

3. Thus, the basis of the claim of the petitioners appears to be a settlement or an agreement between the employer and the trade union of the employees. No case is made out and no material is placed on record to suggest or indicate that the petitioners were entitled to a higher amount under the provisions of any law. Even before the Labour Court, the petitioners had failed to substantiate their claim and same has remained the case before this court. Therefore, petition is dismissed as having no basis and no substance. Rule is discharged with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)